

IN THE U.S. DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA, NORFOLK DIVISION

UNITED STATES OF AMERICA,

vs.

JORDAN LEE ADAMS  
Defendant.

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) CASE NO.: 2:16cr163  
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**DEFENSE POSITION WITH RESPECT TO SENTENCING FACTORS**

COMES NOW the Defendant, Jordan Lee Adams, by undersigned counsel, and in accordance with § 6A1.2 of the Sentencing Guidelines and Policy Statements and this Court's policy regarding guidelines sentencing, the defense hereby represents that it has received and reviewed, the Presentence Investigation Report and Addendum thereto prepared by the United States Probation Officer.

**APPLICATION OF THE 18 U.S.C. §3553 SENTENCING FACTORS**

Pursuant to the provisions of §5K2.0(b) of the Federal Sentencing Guidelines Manual, and the factors to be considered in imposing a sentence as set forth in 18 U.S.C. §3553 (b) (2) (A)(ii), the Defendant, Jordan Adams, by counsel, respectfully submits his request that the Honorable Court impose a sentence which is "sufficient, but not greater than necessary" to serve the purposes of sentencing set forth at 18 U.S.C. §3553(a)(1) and (2). Counsel for Jordan Adams acknowledges the seriousness of the Defendant's conduct as well as the applicable Sentencing Guidelines as set forth in the Presentence Investigation Report and Addendum thereto prepared by the United States Probation Officer, and submits that the appropriate sentence in this matter is twenty (20) years.

While the Court must consider the Guidelines calculation as part of the sentencing process, the Guidelines merely "serve as one factor among several courts must consider in determining an appropriate sentence." *Kimbrough v. United States*, 552 U.S. 85, 90 (2007). Rather than simply impose a sentence within the Guidelines range, the Court must consider the whole range of factors listed in 18 U.S.C. §3553 and determine the sentence that is "sufficient, but not greater than Necessary" to accomplish the goals of sentencing. *Id.* at 101 (quoting 18 U.S.C. §3553). Indeed, the Court may not even "presume that the Guidelines range is reasonable, but must make an individualized assessment based on the facts presented." *Gall v. United States*, 552 U.S. 38, 50 (2007). The sentencing court has wide latitude to impose a sentence below the Guidelines range, "perhaps because (as the Guidelines themselves foresee) the case at hand falls outside the 'heartland' to which the Commission intends individual Guidelines to apply, perhaps because the Guidelines sentence itself fails properly to reflect §3553(a) considerations, or perhaps because the case warrants

a different sentence regardless." *Rita v. United States*, 551 U.S. 338, 351 (2007). Here, the defense respectfully submits that the 18 U.S.C. §3553(a) factors support a sentence that is below the suggested Guidelines range. A sentence of twenty (20) years would be "sufficient, but not greater than necessary" to satisfy the statutory factors.

### **Related Military Court-Martial Proceedings:**

On 11 February 2016, court-martial charges were preferred against MM2 Adams and were subsequently referred to General Court-Martial on 29 March 2016.<sup>1</sup> MM2 Adams has been in pre-trial confinement with the Navy since 8 January 2016 at the Naval Consolidated Brig, Chesapeake. The victim in the matter before this Court, K.S., is also an identified victim in the Court-Martial proceedings. The Court-Martial proceedings also pertain to an identified victim, E.S., who is also referred to in the Presentence Investigation Report as a victim in the matter before this Court.<sup>2</sup> On 18 April 2017, the Defendant intends to enter pleas of Guilty to offenses involving K.S and E.S. when he appears for trial at the General Court-Martial.

### **Defendant's History and Characteristics: 18 U.S.C. § 3553 (a)(1)**

Jordan Adams is 26 years of age and is on active duty with the U.S. Navy in the paygrade of E-5, currently assigned to the USS GEORGE WASHINGTON (CVN 73). MM2 Adams enlisted in the Navy in June 2010 for a term of five (5) years.

Jordan Adams is the son of Erwood Adams and Amelia Rhodes. Jordan's father is retired, and his mother is employed as an elementary school teacher in Goldsboro, North Carolina. Jordan has three half-siblings, Shane Adams, paternal half-brother who is employed at Firestone in Selma North Carolina, Melissa Lewis, paternal half-sister, who is employed as a pharmaceutical representative in North Carolina and Samantha Allen, maternal half-sister who is a college student and lives with their mother in Goldsboro, North Carolina. Jordan's parents divorced when he was approximately a year old. Although raised by his mother, his father played an active role in his life as a child, spending time with him every two weeks, and the bond between father and son remains strong. His mother has remarried twice, most recently to Tracey Rhodes in 1999. Mr. Rhodes as maintained a close relationship with his step-son. Jordan also maintains a close relationship with his maternal and paternal grandmothers and his younger sister Samantha relates having a close bond with Jordan. Upon review of the enclosed character letters from his family members, it is evident that each of these family member are fully on track to give Jordan the love and support he needs through his period of incarceration and upon his eventual release back into society.

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<sup>1</sup> See §71, Presentence Investigation Report

<sup>2</sup> See §17, Presentence Investigation Report

Growing up in North Carolina, Jordan was on the varsity cross country track team, competing in both pole vaulting and track and was also a member of the varsity-level football team. Jordan graduated from Rosewood High School in Goldsboro, North Carolina in 2008 with a cumulative grade point average of 3.2852 and a class ranking of 65 out of 145 students. During his senior year at Rosewood High School Jordan attended Wayne Community College and received an Administrative Assistance Certification. He also enrolled in Tire Manufacturing at Wayne Community College and completed 32.00 contact hours. Upon graduation, Jordan was accepted to attend North Carolina Agricultural and Technical State University, and was eligible to participate in the Honors Program, however he failed to maintain satisfactory grades and was placed on academic suspension. After graduating from high school, Jordan held various jobs at fast food establishments, as well as an industrial cleaning company until he enlisted in the Navy in June 2010.

Upon enlistment in the Navy, Jordan reported for basic training aboard Navy Recruit Training Command in Great Lakes, Ill. After completing basic training he attended the Navy's MM "A" school, Machinist's Mate, at Navy Training Command, Great Lakes, Illinois. Jordan Adams' first assignment was onboard the USS ENTERPRISE (CVN-65) where he served until June of 2013. He then reported to the USS THEODORE ROOSEVELT (CVN 71) for duty where he served until the ship moved to its new homeport in California at which time he reported to the USS GEORGE WASHINGTON (CVN 73) for duty. A review of his Evaluation Reports while assigned to the Enterprise reflect favorable assessments, with notable comments as follows: "Petty Officer Adams is an up-and-coming leader with unlimited potential. He is highly recommended for retention and advancement."<sup>3</sup>; "Petty Officer Adams is a dependable sailor with excellent potential. I highly recommend him for advancement to Second Class Petty Officer."<sup>4</sup> Upon his transfer to the USS THEODORE ROOSEVELT (CVN-71), his promising career track continued, with assessments of "(A)lthough junior, Petty Officer Adams is very quickly becoming a polished leader and mentor. His continued efforts and actions speak volumes to his ability at being an extremely effective Second Class Petty Officer."<sup>5</sup> His second Evaluation Report on the Roosevelt reflects and assessment as "a skilled operator and model for military bearing. Recommended for advancement to First Class Petty Officer."<sup>6</sup> His final Evaluation Report on the Roosevelt noted that MM2 Adams was an "EXCELLENT AND CAPABLE WORKER; TEAM PLAYER."<sup>7</sup>

As a member of the United States Navy, Petty Officer Adams received the following awards and decorations:

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<sup>3</sup> See Evaluation Report-10NOV27 to 11JUN15

<sup>4</sup> See Evaluation Report-11JUN16 to 12JUN15

<sup>5</sup> See Evaluation Report-13JUN29 to 14MAR15

<sup>6</sup> See Evaluation Report-14MAR15 to 15MAR15

<sup>7</sup> See Evaluation Report-15MAR16 to 15DEC15

1. Navy & Marine Corps Achievement Medal
2. Meritorious Unit Commendation Medal
3. Navy Good Conduct Medal
4. National Defense Service Medal
5. Iraqi Campaign Medal
6. Global War on Terrorism Expeditionary Medal
7. Global War on Terrorism Service Medal
8. Navy Sea Service Ribbon with 2 Bronze Stars
9. Navy Rifle Marksmanship Ribbon – Sharpshooter
10. Navy Pistol Marksmanship Ribbon – Expert

### **Summation**

The Defendant Jordan L. Adams is before this Honorable Court for determination as to an appropriate sentence for the offense of Production of Child Pornography. While the defense is cognizant of the applicable sentencing guidelines, it is respectfully submitted that based upon the history and characteristics of the Defendant, an appropriate sentence for Jordan Adams, taking into account all of the applicable sentencing factors, is twenty (20) years and that said requested sentence is “sufficient, but not greater than necessary” to serve the purposes of sentencing set forth at 18 U.S.C. §3553(a)(2). In light of the fact that K.S. and E.S. are identified victims in the General Court-Martial, the Defendant respectfully requests that the sentence imposed by this Honorable Court be ordered to be served concurrently with the sentence imposed by the General Court-Martial. The Defendant further respectfully requests that for the reasons stated herein, that this Honorable Court order that the Defendant be given credit for all pre-trial confinement he has served at the Naval Consolidated Brig since 8 January 2016.

Attached to this position paper are documents that the Defendant respectfully requests be reviewed and considered by the Honorable Court prior to the sentencing hearing, as follows:

#### A. Childhood School and Activity Documents:

1. Certificate of Recognition 1997
2. Rosewood Youth Sports 1997
3. Honor Roll 2000
4. Outstanding Academic Excellence 2001
5. Honor Award 2001-2002
6. Technology Student Association Membership 2004
7. Teacher Comments 2005
8. Rosewood High School Athletic Awards 2005-2006
9. Teacher Comments 2007

10. Congressional Youth Leadership Nomination 2007

B. Civilian Education

1. North Carolina A&T State University Honors Program Acceptance Letter 2008
2. Wayne Community College Tire Manufacturing Certificate 2009
3. Wayne Community College Administrative Assistant Certificate 2009
4. Florida State College Personal Financial Management Course Completion 2010

C. Military Awards and Recognitions

1. Navy & Marine Corps Achievement Medal
2. Meritorious Unit Commendation Medal
3. Navy Good Conduct Medal
4. National Defense Service Medal
5. Iraqi Campaign Medal
6. Global War on Terrorism Expeditionary Medal
7. Global War on Terrorism Service Medal
8. Navy Sea Service Ribbon with 2 Bronze Stars
9. Navy Rifle Marksmanship Ribbon – Sharpshooter
10. Navy Pistol Marksmanship Ribbon – Expert

D. Navy Enlisted Performance Reports

E. Character Support Letters:

1. Letter From Terry Sprinkle
2. Letter From William Hart
3. Letter from Margaret Hart
4. Letter From Barbara Nelle Adams
5. Letter From Patricia P. Hart
6. Letter from Dan Tracy Rhodes
7. Letter From Samantha Allen
8. Letter from Melissa Adams Lewis
9. Letter from Dickie Adams
10. Letter From Amelia Rhodes

F. Photos

**JORDAN J. ADAMS**

By \_\_\_\_\_/s/\_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the \_\_\_\_ day of April 2017, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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